

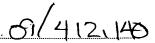
09/412/40

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.usplo.gov

## Notice of Non-Compliant Amendment (37 CFR 1.121)

37 CFR correct	is considered non-compliant because it has failed to meet the requirements of CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).		
THE FO	FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:  1. Amendments to the specification:  A. Amended paragraph(s) do not include markings.  B. New paragraph(s) should not be underlined.  C. Other		
	. Abstract:  A. Not presented on a separate she B. Other		
3. Amendments to the drawings:			
If the not this letter non-entrochanges	C. Each claim has not been provid claim cannot be identified. Note: one of the following 7 status identipresented), (New) and (Not entered). The claims of this amendment provides a compliant amendment is a PRELIMINA to supply the corrected section which composite the preliminary amendment and examples.	clude the text of all pending claims (including withdrawn claims) and with the proper status identifier, and as such, the individual status of each the status of every claim must be indicated after its claim number by using fiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously 1).  aper have not been presented in ascending numerical order.  Lams Should Not would the USPTO website at	
since th	If the non-compliant amendment is a reply to a NON-FINAL OFFICE ACTION (including a submission for an RCE), and since the amendment appears to be a <i>bona fide</i> attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).		
If the amendment is a reply to a FINAL REJECTION, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.    Solution			





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ALEXANDRIA, VA 22313:1450

## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 11-18-or is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h). THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT: 1. Amendments to the specification: A. Amended paragraph(s) do not include markings. B. New paragraph(s) should not be underlined. 2. Abstract: A. Not presented on a separate sheet. 37 CFR 1.72. 3. Amendments to the drawings: 4. Amendments to the claims: A. A complete listing of all of the claims is not present. B. The listing of claims does not include the text of all pending claims (including withdrawn claims) П C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered). D. The claims of this amendment paper have not been presented in ascending numerical order. E. Other: Cancelled Claims Should not include the For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf . If the non-compliant amendment is a PRELIMINARY AMENDMENT, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable. If the non-compliant amendment is a reply to a NON-FINAL OFFICE ACTION (including a submission for an RCE), and since the amendment appears to be a bona fide attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a). If the amendment is a reply to a FINAL REJECTION, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Legal Instruments Examiner (LIE)

NOV 1 8 2004

## IN THE UNITED STATES PATENT AND TRADSMARK OFFICE

Applicant: Clive Smith ) Examiner: Tran, Con P )
Serial No.: 09/412,140 ) Art Unit: 2644

Filing Date: October 5, 1999 ) Re: Response

For: "Medical Device ..." ) Our Rof: 1062-104.US

) Date: November 18, 2004

## TRANSMITTED BY FACSIMILE TO (703)872-9306

Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

Sir:

This is in response to the office action mailed February 11, 2004 and also in response to the notice of non-compliant amendment dated October 20, 2004.

The Examiner is advised that a Petition for a three month extension, with fee based on small entity, accompanied the earlier "non-compliant" response. No further extension fees are payable.

PAGE 1/23 \* RCVD AT 11/18/2004 3:32:12 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-1/3 \* DNIS:8729308 \* CSD:818 710 2798 \* DURATION (mm-ss):06-24